

REMARKS

Applicants respectfully request entry of this amendment on the grounds that it responds to a new ground of rejection and therefore the present amendments could not have been made sooner. Furthermore, the instant amendment places the claims in better condition for an appeal.

In paragraph 6 of the Office action, independent claims 1, 6 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Higham et al. in view of Arnold. In the Office action, the Examiner acknowledges that Higham does not disclose or suggest a plurality of shelves and a cabinet with a processor flashing the location of items as well as the quantity of items. The Examiner relies upon Arnold to supply the missing teaching. However, applicants respectively submit that Arnold does not supply the missing teaching.

Claims 1, 6 and 27 have been amended to state that the processor controls a numeric display on at least one of the plurality of shelves within the cabinet, wherein the display indicates the number of different items on the list of items to be located that are held by that shelf. Support for the amendment may be found, for example, at paragraph [0036]. As stated in paragraph [0036], if one item is located on that shelf, the alphanumeric display 48 flashes the number “1”. If two items are located, the display flashes the number “2”, etc. Thus, if the healthcare worker is looking for Tylenol and Ibuprofen, and both of those items are located on the same shelf, the shelf level display associated with that shelf will display the number 2, indicating that two different items to be located are carried by the shelf associated with the shelf-level display.

In contrast, in Arnold, there is no shelf-level numeric display nor is there any display that is operative to display a number that is the number of different items to be located which are carried by the shelf associated with the display. For example, as discussed at column 9, beginning at line 26, “adjacent each of item buttons 86 is a visual indicator 88 to assist the caregiver in locating a particular item. Alternatively, item buttons 86 may be configured to illuminate, thereby eliminating the need for visual indicators 88.” Because Arnold does not

provide the teaching missing from Higham et al., it is respectfully submitted that the rejection under 35 U.S.C. § 103(a) cannot be maintained.

In paragraph 4 of the Office action, claim 27 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Arnold et al. Claim 27 has been amended in a manner similar to claims 1 and 6. For the reasons discussed above in connection with the obviousness rejection, applicants believe that claim 27 is also in condition for allowance.

Applicants note the copendency of two related applications: U.S. Application Serial No. 10/706,832 entitled Method of Operating a Dispensing Cabinet and U.S. Application Serial No. 10/706,548 entitled Method of Operating a Dispensing Cabinet. Office actions have been issued in connection with both of those applications. However, applicants note that the Office actions issued in the two related applications have been issued by the same examiner responsible for the instant application. It is therefore applicants' position that the examiner is aware of the art relied upon in each of the related applications as well as the grounds of rejection in those applications such that the art and grounds of rejection need not be repeated here.

Applicants have made a diligent effort to place the instant application in condition for allowance. Accordingly, a Notice of Allowance for claims 1-8 and 24-27 is earnestly requested. If the examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the examiner is respectfully requested to contact applicants' attorney at the telephone number listed below so that additional changes may be discussed.

Respectfully submitted,



Edward L. Pencoske
Reg. No. 29,688
Thorp Reed & Armstrong LLP
One Oxford Centre, 14th Floor
Pittsburgh, PA 15219-1425
(412) 394-7789
Attorneys for Applicants

Dated: 14 October 2004